IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:23-CV-203-KDB-DCK

JOHN ESTERHAY,)	
Plaintiff,)	
v.)	<u>ORDER</u>
TEN OAKS MANAGEMENT, LLC, et al.,)	
Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT on "Defendants' Consent Motion For Extension Of Time To Answer, Move, Or Otherwise Respond To Plaintiff's Complaint" (Document No. 12) filed June 23, 2023. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion with modification.¹

By the instant motion, Defendants seek a second extension of time to respond to Plaintiff's Complaint. Defendants' previous request, seeking an extension to June 23, 2023, was granted. (Document No. 10). According to Defendants, Plaintiff intends to file an Amended Complaint to add a new defendant; therefore, Defendants would prefer to wait and file a response two (2) weeks after an Amended Complaint is filed. Defendants' motion does not indicate when Plaintiff intends to file an Amended Complaint.

¹ The undersigned issues this amended Order following additional information provided to the undersigned's staff regarding an expected decision by a bankruptcy court in a related matter. However, further extensions will not be allowed in this case, even if the related matter is delayed.

Although the understand appreciates Defendants' attempt to be efficient, the undersigned

will respectfully decline to delay this action for an indefinite period of time. Defendants have

already had a significant extension of time to respond to a Complaint filed on April 10, 2023. If

Defendants' response is subsequently mooted by an Amended Complaint, the undersigned expects

they will suffer little, if any, prejudice by filing a revised response.

IT IS, THEREFORE, ORDERED that "Defendants' Consent Motion For Extension Of

Time To Answer, Move, Or Otherwise Respond To Plaintiff's Complaint" (Document No. 12) is

GRANTED with modification. Defendants shall file an Answer, or otherwise respond to

Plaintiff's Complaint, on or before July 21, 2023. Further extensions will not be allowed.

SO ORDERED.

Signed: June 26, 2023

David C. Keesler

United States Magistrate Judge